

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EUGENE FLOYD,

Petitioner,

Case No. 06-CV-10357

v.

S. L. BURT,

Respondent.

/

**ORDER DENYING PETITIONER'S "MOTION TO BE RELEASED ON PERSONAL
RECOGNIZANCE BOND" AND "MOTION FOR IMMEDIATE CONSIDERATION
FOR A DEFAULT ORDER TO BE ENTERED AGAINST RESPONDENT"**

Petitioner Eugene Floyd has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Now before the court are Petitioner's "Motion to be Released on Personal Recognizance Bond" and "Motion for Immediate Consideration for a Default Order to be Entered Against Respondent Regarding Petitioner's Motion to be Released on Personal Recognizance Bond."

To receive a bond pending a decision on the merits of a habeas corpus petition, a petitioner must show a substantial claim of law based on the facts surrounding the petition and the existence of "some circumstance making the [motion for bond] exceptional and deserving of special treatment in the interests of justice." *Aronson v. May*, 85 S. Ct. 3, 5 (1964); *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990). "There will be few occasions where a prisoner will meet this standard." *Dotson*, 900 F.2d at 79. Because a habeas petitioner "is appealing a presumptively valid state conviction . . . it will indeed be the very unusual case where a habeas petitioner is admitted to bail prior

to a decision on the merits in the habeas case." *Lee v. Jabe*, 989 F.2d 869, 871 (6th Cir. 1993). Petitioner's motion fails to establish the existence of any extraordinary and exceptional circumstances which merit immediate release on bond. Therefore, the court will deny the motion.

Also before the court is Petitioner's "Motion for Immediate Consideration for a Default Order to be Entered Against Respondent Regarding Petitioner's Motion to be Released on Personal Recognizance Bond." Petitioner seeks immediate release on bond because Respondent did not file a response to his motion. The court has determined that Petitioner fails to satisfy the standards for release on bond pending disposition of his habeas petition. The court, therefore, will deny this motion as well.

Accordingly, IT IS ORDERED that Petitioner's "Motion to be Released on Personal Recognizance Bond" [Dkt. #7] and "Motion for Immediate Consideration for a Default Order to be Entered Against Respondent Regarding Petitioner's Motion to be Released on Personal Recognizance Bond" [Dkt. #8] are DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 5, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 5, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522

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